



UNITED STATES PATENT AND TRADEMARK OFFICE

20 JAN 2006

3
Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Stephen B. Salai, Esq.
Harter, Secrest & Emery LLP
1600 Bausch & Lomb Place
Rochester NY 14604-2711

In re Application of	:	
PASQUARELLA et al.	:	
Application No.: 10/540,969	:	DECISION ON
PCT No.: PCT/US03/22287	:	
Int. Filing Date: 17 July 2003	:	PETITION UNDER
Priority Date: 29 July 2002	:	
Attorney Docket No.: 89200.000007	:	37 CFR 1.137(b)
For: DAMPING SYSTEM FOR MECHANICAL	:	
SHUTTER	:	

This decision is in response to applicants' submission filed 29 June 2005.

BACKGROUND

On 17 July 2003, applicants filed international application PCT/US03/22287 which designated the U.S. and claimed a priority date of 29 July 2002. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 05 February 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 31 January 2005 (29 January 2005 being a Saturday).

On 29 June 2005, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee, an assertion of small entity status, and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;
- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 29 June 2005.

As to item (2), applicant submitted the petition fee on 29 June 2005.

As to item (3), the required statement has been provided.

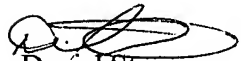
A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.



Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459